

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Patrick Donohue, et al.,

Plaintiff,

18 Civ 9712 (DAB)
ORDER

-v.-

Michael Kennedy Lloyd, et al.,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

On March 8, 2019, Plaintiffs' counsel asked for an extension of time to Oppose Defendants' New York State, the Board of Regents of the State of New York, and the New York State Department of Education ("the State Defendants") Motion to Dismiss. That Opposition was originally due on January 25, 2019.

The Court also notes that Defendant Michael K. Lloyd moved to dismiss the Complaint on January 11, 2019. Plaintiffs' Opposition to this Motion was also due on January 25, 2019.

To date, Plaintiffs' counsel has not filed either Opposition. Plaintiffs' counsel did not follow the Federal Rules of Civil Procedure, the Local Rules, nor did he follow this Court's Individual Rules.

Accordingly, Plaintiffs' counsel's request for an extension of time to file Opposition papers for State Defendants is DENIED. Plaintiffs' counsel has waived his opportunity to respond to BOTH State Defendants and Defendant Lloyd. See Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 392 (1993) (finding that "inadvertence, ignorance of the rules, or mistakes construing the rules do not usually constitute 'excusable' neglect" in failing to meet a deadline); Canfield v. Van Atta Buick/GMC Truck, Inc., 127 F.3d 248, 251 (2d Cir. 1997) (finding excusable neglect to miss a deadline only when Rule at issue is ambiguous). All Defendants' Motions to Dismiss in the above-captioned case are now fully submitted.

The Clerk of Court is directed to close docket nos. 46 & 47.

SO ORDERED.

DATED: New York, New York
March 11, 2019


Deborah A. Batts
United States District Judge